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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/691,292	ORTYN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Roy M. Punnoose	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 2/22/05.
2. ☒ The allowed claim(s) is/are 24-33 and 38-42.
3. ☒ The drawings filed on 21 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

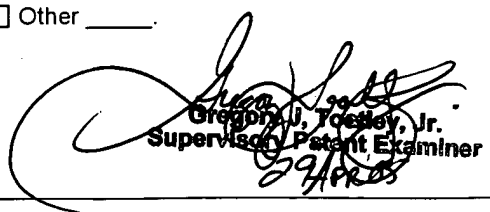
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

  
 Gregory J. Tooley, Jr.  
 Supervisory Patent Examiner

**DETAILED ACTION**

***Response to Amendment***

1. Receipt of applicant's amendment filed on February 22, 2005 is acknowledged.
2. Applicant's arguments/remarks presented in the papers filed on February 22, 2005 have been found convincing and therefore have been accepted by the Examiner.
3. The applicant has previously canceled claims 1-23 and 34-37. New claims 41 and 42 have been added with the papers filed on February 22, 2005. Currently, claims 24-33 and 38-42 are pending in the application.

***Allowable Subject Matter***

4. Claims 24-33 and 38-42 are allowable.
5. Claim 24 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a flow cytometer system comprising a beam of light reflecting back and forth between a first reflecting surface and a second reflecting surface so as to cross a field of view a plurality of times and illuminating an object as it passes through the field of view, and a light detector disposed to receive an image of said object, in combination with the rest of the limitations of claim 24.
6. Claims 25-33 are allowable because they are dependent on independent claim 24 or an intermediate claim, and they include all the allowable limitations of the parent claim(s).
7. Claim 38 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious an illumination system comprising a beam of light reflecting back and forth between a first reflecting surface and a second reflecting surface in a reflection cavity so as to cross a field of view a plurality of times and illuminating an object as it traverses the

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field of view, and said first and second light reflecting surface being sized and oriented such that said beam of light both enters and exits said reflection cavity adjacent one of said first and second reflecting surface, in combination with the rest of the limitations of claim 38.

8. Claim 39 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious an illumination system comprising a beam of light reflecting back and forth between a first reflecting surface and a second reflecting surface in a reflection cavity so as to cross a field of view a plurality of times and illuminating an object as it traverses the field of view, and means for controlling a diameter of the beam of light within the reflection cavity, in combination with the rest of the limitations of claim 39.

9. Claim 40 is allowable because they are dependent on independent claim 39.

10. Claim 41 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious an illumination system comprising a beam of light reflecting back and forth between a first reflecting surface and a second reflecting surface in a reflection cavity so as to cross a field of view a plurality of times and illuminating an object as it traverses the field of view, and at least one of the first and second reflecting surface being curved to focus the beam of light onto an axis along which the object moves through the reflection cavity, in combination with the rest of the limitations of claim 41.

11. Claim 42 is allowable because they are dependent on independent claim 41.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

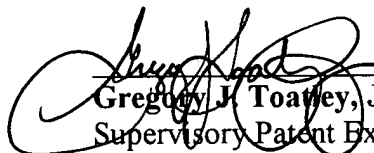
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2800 ext.77**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Roy M. Punnoose**  
Patent Examiner  
Art Unit 2877  
April 29, 2005



  
**Gregory J. Toatley, Jr.**  
Supervisory Patent Examiner  
APR 29 2005